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OFFICE OF PETITIONS

In re	: DECISION ON APPLICATION
Milani, et al.	: FOR PATENT TERM ADJUSTMENT
Application No. 09/609,016	: AND NOTICE OF INTENT
Filed: June 30, 2000	: TO ISSUE
Patent No. 7,060,311	: CERTIFICATE OF CORRECTION
Issued: June 13, 2006	:

This is a decision on the "RENEWED REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. §1.705(b)," filed June 23, 2006. Patentee requests that the determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from three hundred eighty-two (382) days to five hundred one (501) days.

The request is **GRANTED** to the extent indicated herein.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **five hundred two (502)** days.

On December 28, 2004, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is zero (0) days. On April 1, 2005, applicants timely[1]

[1] Applicants filed the application for patent term adjustment together with the payment of the issue fee, and included a Certificate of Mailing dated March 28, 2005.

submitted an application for patent term adjustment, asserting that the correct number of days of PTA is three hundred nine (309) days. The request was held in abeyance in a decision mailed on July 5, 2005. The application issued into a patent on June 13, 2006 with a patent term adjustment of three hundred eighty-two (382) days.

Applicants state that the patent is not subject to a terminal disclaimer.

The Office determined a patent term adjustment of three hundred eighty-two (382) days based on an adjustment for PTO delay of thirty-four (34) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), forty-three (43) and sixty-seven (67) days, both pursuant to 35 U.S.C. (b)(2)(C)(ii) and 37 C.F.R. § 1.704(b), three hundred sixteen (316) days pursuant to 35 U.S.C. 154(b)(1)(A)(iv) and 37 C.F.R. § 1.703(a)(6), and three hundred fifty-five (355) days pursuant to 35 U.S.C.(b)(1)(B) and 37 C.F.R. § 1.703(b), reduced by applicants' delays of five (5), one hundred fifty-five (155), ninety-four (94) and four (4) days pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. § 1.704(b), thirteen (13) days pursuant to 35 U.S.C. 154(b)(2)(C)(i) and 37 C.F.R. § 1.704(c)(8), and one hundred twenty (120) days pursuant to 35 U.S.C. 154(b)(2)(C)(i) and 37 C.F.R. § 1.704(c)(10). The adjustment of one hundred twenty (120) days is at issue.

A review of the record reveals that applicants were assessed one hundred twenty (120) days for filing the application for patent term adjustment on Pursuant to 37 C.F.R. § 1.704(e), the submission of an application for patent term adjustment will not be considered a failure to engage in reasonable efforts to conclude prosecution of the application.

Given the basis for granting this petition, the $200.00 fee set forth in 37 C.F.R. § 1.18(e) was not required, and has not been charged.

The application file is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction, indicating a Patent Term Adjustment of **five hundred two (502) days**.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Kery A Fries

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enc: draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,060,311 B1

DATED : June 13, 2006

INVENTOR(S) : Milani, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (382) days

Delete the phrase "by 382 days" and insert – by 502 days—

Day : Tuesday
Date: 7/25/2006

PALM INTRANET

Time: 10:48:37

PTA Calculations for Application: 09/609016			
Application Filing Date:	06/30/2000	PTO Delay (PTO):	815
Issue Date of Patent:	06/13/2006	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	433
Post-Issue Petitions:	0	Total PTA (days):	502
PTO Delay Adjustment:	120		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
94	07/25/2006	ADJUSTMENT OF PTA CALCULATION BY PTO	120		
90.5	05/24/2006	PTA 36 MONTHS	355		
90	06/13/2006	PATENT ISSUE DATE USED IN PTA CALCULATION	316		82
89	05/16/2006	RECEIPT INTO PUBS			
88	05/16/2006	RECEIPT INTO PUBS			
87	05/12/2006	DISPATCH TO FDC			
86	05/12/2006	DISPATCH TO FDC			
85	05/12/2006	APPLICATION IS CONSIDERED READY FOR ISSUE			
84	04/01/2005	WORKFLOW - DRAWINGS FINISHED		120	77
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82	04/01/2005	ISSUE FEE PAYMENT VERIFIED		4	57
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77	05/08/2006	MAIL EXAMINER'S AMENDMENT			
76	05/08/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
75	05/03/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
74	05/04/2006	EXAMINER'S AMENDMENT COMMUNICATION			
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71	04/17/2006	RECEIPT INTO PUBS			
70	03/13/2006	RECEIPT INTO PUBS			
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68	03/07/2006	RESPONSE TO AMENDMENT UNDER RULE 312			
67	11/17/2005	PUBS CASE REMAND TO TC			
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65	07/05/2005	PETITION DECISION - DISMISSED			
64	06/27/2005	RECEIPT INTO PUBS			
63	04/01/2005	PETITION ENTERED			
62	04/01/2005	ISSUE FEE PAYMENT RECEIVED			
61	02/18/2005	WORKFLOW INCOMING AMENDMENT IFW			
60	01/04/2005	EXPORT TO INITIAL DATA CAPTURE			
59	01/13/2005	WORKFLOW - FILE SENT TO CONTRACTOR			
58	01/07/2005	RECEIPT INTO PUBS			
57	12/28/2004	MAIL NOTICE OF ALLOWANCE			
56	12/28/2004	MAIL FORMAL DRAWINGS REQUIRED			
55	12/28/2004	MAIL EXAMINER'S AMENDMENT			
54	12/08/2004	ISSUE REVISION COMPLETED			
53	12/08/2004	FORMAL DRAWINGS REQUIRED			
52	12/08/2004	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
51	12/08/2004	CASE DOCKETED TO EXAMINER IN GAU			
50	12/08/2004	EXAMINER'S AMENDMENT COMMUNICATION			
49	12/08/2004	NOTICE OF ALLOWABILITY			
48	11/16/2004	DATE FORWARDED TO EXAMINER			
47	11/10/2004	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
46	11/16/2004	DATE FORWARDED TO EXAMINER			
45	11/10/2004	REQUEST FOR CONTINUED EXAMINATION (RCE)			
44	11/16/2004	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
43	11/10/2004	WORKFLOW INCOMING AMENDMENT IFW			
42	11/10/2004	WORKFLOW - REQUEST FOR RCE - BEGIN			
41	09/20/2004	CORRESPONDENCE ADDRESS CHANGE			
40	09/13/2004	NOTICE OF APPEAL FILED		94	36
39	09/13/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
38	04/16/2004	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			

37	04/14/2004	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
36	03/11/2004	MAIL FINAL REJECTION (PTOL - 326)	67		33
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34	10/14/2003	DATE FORWARDED TO EXAMINER			
33	09/04/2003	RESPONSE AFTER NON-FINAL ACTION			
32	08/01/2003	MAIL NON-FINAL REJECTION			
31	06/30/2003	NON-FINAL REJECTION			
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29	04/11/2003	RESPONSE AFTER NON-FINAL ACTION		155	23
28	03/24/2003	CORRESPONDENCE ADDRESS CHANGE			
27	03/24/2003	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
26	03/24/2003	CORRESPONDENCE ADDRESS CHANGE			
25	03/17/2003	MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE AMENDMENT			
24	11/20/2002	DATE FORWARDED TO EXAMINER			
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10	05/11/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	01/05/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	12/06/2000	CASE DOCKETED TO EXAMINER IN GAU			

7	06/30/2000	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	11/16/2000	APPLICATION DISPATCHED FROM OIPE			
5	11/16/2000	APPLICATION IS NOW COMPLETE			
4	09/01/2000	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	08/31/2000	CORRESPONDENCE ADDRESS CHANGE			
2	07/28/2000	IFW SCAN & PACR AUTO SECURITY REVIEW			
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EXPLANATION OF PTA CALCULATION

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